

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42325 of 2024

Arising Out of PS. Case No.-58 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Pappu Kumar
2. Randheer Kumar @ Ranadhir Ram
Both Sons of Anil Rai
Both R/O Vill.- Korawan, P.S.- Naubatpur, Dist.- Patna
- Petitioner/s
- Versus
1. The State Of Bihar
2. Bishnu Kumar Son of Sri Anil Kumar R/O Vill. and Post- Korawan, P.S.-
Naubatpur, Dist.- Patna
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Niwas Prasad, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP
Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-11-2024 Heard learned counsel for the petitioners, learned APP

for the State and the learned counsel appearing on behalf of the

O.P. No.2.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 420 of the IPC in connection with Complaint Case
No.58(C) of 2022.

3. The learned counsel for the petitioners submit that
petitioners are persons with clean antecedent and have been
falsely implicated in the instant case by the complainant. It is
next submitted that petitioners are brother and they were



working for the O.P. No.2 in his fodder machine shop where fodder was cut and was sold. It is next submitted that a dispute has arisen in between the petitioners and the O.P. No.2 as such the petitioners left the job and went elsewhere to work. It is next submitted that petitioners before leaving the job had taken a loan of rupees forty thousand from the O.P. No.2 for the purposes of marriage of daughter of petitioner no.2, it is next submitted that thereafter the petitioners had left the village but on account of death of their aunt they came back to the village where they were intercepted by the family members of the O.P. No.2 and assaulted and even the family members of the O.P. No.2 had acted inappropriately with the wife of the petitioner no.2 for which Naubatpur P.S. Case No.362 of 2021 dated 22.7.2021 was instituted.

4. The learned counsel for the petitioners submit that six months after institution of the aforesaid FIR the instant complaint case came to be instituted by the O.P. No.2 in order to coerce the petitioners into submission so that they don't pursue the FIR instituted against the family members of the O.P. No.2. It is also submitted that in sum and substance in the complaint it is alleged that petitioners were working for the O.P. No.2 in his fodder machine shop and had taken a loan of Rs.1,05,000/-, but



did not return the amount and when the O.P. No.2 asked them to return the amount he was abused and assaulted. The learned counsel next submits that even presuming what has been alleged is true without admitting then the O.P. No.2 himself in the complaint alleges that a loan of rupees one lakhs was taken by the petitioners and if the loan amount has not been returned the same does not give rise to a criminal offence, but then the fact is the petitioners had taken a loan of rupees forty thousand and since they were not in a position to return the same as such the petitioners were assaulted earlier as recorded herein above.

5. The learned counsel appearing on behalf of the O.P. No.2 and the learned APP opposes the anticipatory bail application of the petitioners but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that earlier an FIR was instituted against the family members of the O.P. No.2.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Danapur, Patna in connection with Complaint Case No.58(C) of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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